

# REGISTER

*South Dakota Legislative Research Council*



*Volume 29*

*Monday, 8:00 a.m., August 26, 2002*

---

A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

---

**NOTICES OF PROPOSED RULES:** (The date in parentheses is the date the rules were filed in the Legislative Research Council)

**Department of Health:** (August 23, 2002) is proposing rules to update definitions, terms, and statements for ventilation requirements, hazardous equipment, temperature control, new requirements for NFPA 101, training requirements, quarterly dietitian visits, resident assessment requirements, hand washing, food preparation, dietary policies and procedures, dietary manager's course, person in charge of dietary services, dietary in service, pathology services, swing bed services, mechanical ventilation, water closets, drainage systems, new construction/renovations, secured units, self-administration of medications, and appeal process for CNAs. The general authority for these rules, as cited by the department, is SDCL 34-1-17, 34-12-13, 34-12-29, and 34-22-9.

A public hearing will be held in the Governor's small conference room, Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota, on October 2, 2002, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to Colleen Kozel, South Dakota Department of Health, 600 East Capitol Avenue, Pierre, South Dakota 57501. Material sent by mail must be received by October 12, 2002, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3361 before the hearing.

**NOTICE:** The **South Dakota Lottery** is ending instant ticket game number 160 – Jacks in the Box. The last day that prizes will be paid

for the game is February 14, 2003. Also ending is instant ticket game number 152 – Freezing Your Bucks Off. The last day that prizes will be paid for the game is February 18, 2003.

## **FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

### *Administrative Rules:*

**DEPARTMENT OF GAME, FISH AND PARKS:** 41:06:03:01; 41:06:14:01, 02, 41:06:14:02.01, 41:06:14:05; 41:06:20:01, and 41:06:20:02.

History-Notice: 28 SDR 163, May 20, 2002  
Hearing: June 6, 2002  
Filed: August 6, 2002  
Effective: August 26, 2002

**DEPARTMENT OF AGRICULTURE:**  
**ANIMAL INDUSTRY BOARD:** 12:68:18:06, 12:68:25:01, 12:68:25:03, 12:68:25:13, and 12:68:25:17.

History-Notice: 28 SDR 173, June 10, 2002  
Hearing: July 9, 2002  
Filed: August 15, 2002  
Effective: September 4, 2002

**DEPARTMENT OF GAME, FISH AND PARKS:** 41:03:01:32, 41:03:01:33, 41:04:02:16, 41:04:02:62, 41:05:02:68, 41:06:16:02, 41:06:16:02.01, 41:06:16:03, 41:06:16:05, 41:06:16:07, and 41:06:16:09.

History-Notice: 29 SDR 11, July 22, 2002  
Hearing: August 8, 2002  
Filed: August 19, 2002  
Effective: September 8, 2002

**DEPARTMENT OF EDUCATION AND CULTURAL AFFAIRS: BOARD OF EDUCATION: 24:03:05:01; 24:15:04:01 to 24:15:04:03, inclusive.**

History-Notice: 28 SDR 173, June 10, 2002  
 Hearing: June 27, 2002  
 Filed: August 23, 2002  
 Effective: September 12, 2002

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

**REMINDER OF HEARINGS SCHEDULED**

8-30-2002	Education and Cultural Affairs	Change method of calculating exclusions when opting out of property tax limitations; 29 SDR 19.
9-4-2002	Public Utilities Commission: One-Call Notification Board	One-call notification system, requirements for facility operators, notification requirements, emergency notification, excavator requirements, response time for facility operators, vendor contract; 29 SDR 21.
9-5-2002	Labor: Division of Labor and Management	Workers' compensation fee schedule, discount for uncategorized claims, reimbursement for dental claims, billing codes and reimbursements for physician claims, require explanation of benefits when reduced, redefine "physical medicine," repeal in-patient treatment standards; 29 SDR 25.
9-13-2002	Education and Cultural Affairs: State Historical Society	Fiscal match not required for some grants, allow grant awards twice a year; 29 SDR 25.
9-17-2002	Commerce and Regulation: Division of Banking	Establish a limit on bank's investment in annuities; 29 SDR 25.
9-30-2002	Department of Commerce and Regulation: Board of Social Work Examiners	Assist social workers in achieving highest level of continuing education, clarify existing rules, and allow board to recover costs associated with examination fees; 29 SDR 15.

10-2-2002	Health	Update regulations to conform to current health and safety standards in medical facilities, improve construction to reflect new Life Safety and Building code, improve dietary supervision, education, nutritional meals, safe food preparation, appeal process for CNAs; 29 SDR 29.
-----------	--------	--

### ***Rules Review Committee Meetings***

The next meeting of the Interim Rules Review Committee will be held Tuesday, September 17 in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2002 interim: November 20 and January 6.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is now available at the LRC office and on the LRC web site.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 29 are \$20. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at <http://legis.state.sd.us>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at MyLRC (<http://legis.state.sd.us/mylrc/index.cfm>).